

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

ROBERT P. LARGEES,

Plaintiff,

v.

SUPREME JUDICIAL COURT FOR THE STATE  
OF MASSACHUSETTS, et al.,

Defendants.

CIVIL ACTION  
NO. 04-10921-JLT

SUPREME JUDICIAL COURT AND JUSTICES' MOTION TO DISMISS  
AMENDED COMPLAINT FOR LACK OF SUBJECT MATTER JURISDICTION

The Supreme Judicial Court for the Commonwealth of Massachusetts, and the Justices thereof, move pursuant to Fed. R. Civ. P. 12(b)(1) that this Court dismiss the amended complaint in its entirety for lack of subject matter jurisdiction. A memorandum in support of this motion, and in opposition to plaintiff's request for a temporary restraining order, is submitted herewith.

By their attorney,

THOMAS F. REILLY  
ATTORNEY GENERAL

/s/ Peter Sacks

Peter Sacks, BBO No. 548548  
Assistant Attorney General  
Government Bureau  
One Ashburton Place, Room 2019  
Boston, Massachusetts 02108-1698  
(617) 727-2200, ext. 2064

Date: May 11, 2004

CERTIFICATION UNDER LOCAL RULE 7.1(A)(2)

I hereby certify that I have conferred in good faith with plaintiff's counsel in an effort to resolve or narrow the issues raised by this motion.

/s/ Peter Sacks  
Peter Sacks  
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the following documents:

1. Supreme Judicial Court and Justices' Opposition to Plaintiff's Motion for Temporary Restraining Order and in Support of Court and Justices' Motion to Dismiss; and
2. Supreme Judicial Court and Justices' Motion to Dismiss Amended Complaint for Lack of Subject Matter Jurisdiction

on all parties by e-mail and by regular mail this 11<sup>th</sup> day of May, 2004.

/s/ Peter Sacks  
Peter Sacks  
Assistant Attorney General